



State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

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October 17, 2002

**CERTIFIED MAIL**  
**7099 3400 0002 9773 1663**  
**RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY**  
**No. WMD 02-41**

Charron's Auto Body  
26 Fitzgerald Drive  
Jaffrey, New Hampshire 03452

Attn: Mr. John Charron, Owner and Operator

**Re: Charron's Auto Body**  
**Jaffrey, New Hampshire**  
**EPA ID # Pending**

Dear Mr. Charron:

On August 22, 2002, the Department of Environmental Services (DES) conducted an inspection of Charron's Auto Body (Charron's). The purpose of the inspection was to determine Charron's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1100).

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

**Env-Wm 502.01 Hazardous Waste Determination**

At the time of the inspection, no formal hazardous waste determinations had been performed for the: waste lamps, waste paint, and gun washer solvent, generated at Charron's. DES inspectors also confirmed that Charron's disposes of waste lamps in the on-site dumpster.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

a) Waste Lamps: DES requests that Charron's test representative samples of the waste lamps for the characteristic of toxicity as defined in Env-Wm 403.06. The analyses for the toxicity characteristic should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846.

Alternatively, Charron's may elect to manage the waste lamps as "universal waste", in accordance with Env-Wm 1100. Enclosed please find the DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters", and a DES "Fluorescent Lamp and Ballast Recycling Facility" list.

b) Waste Paint: DES requests that Charron's test a representative sample of the waste paint for the characteristics of ignitability and toxicity as defined in Env-Wm 403.03 and Env-Wm 403.06, respectively. In lieu of sampling and testing, the waste determination may also be accomplished by Charron's, using knowledge of the hazardous constituents or characteristics of the waste, based on the materials or processes used to generate the wastes.

c) Gun Washer Solvent: DES believes that this determination may be accomplished using knowledge of the hazardous constituents or characteristics of the waste, based on the materials or processes used to generate the waste. For example, review the information provided on Material Safety Data Sheets (MSDS) for all products introduced to the waste, including, but not limited to, automotive paint and gun washer solvent. Pertinent MSDS information may include product ingredients and product flashpoints. Utilize this information to determine if the Gun Washer Solvent is a listed hazardous waste as defined by Env-Wm 402 or a characteristic hazardous waste as defined by Env-Wm 403.

Please be advised that Env-Wm 402.06(a) lists the following as generic industrial process wastes:

F003, The following spent non-halogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures/blends containing, before use, only the above spent non-halogenated solvents; all spent solvent mixtures/blends containing, before use, one or more of the above non-halogenated solvents, and, a total of 10 percent or more, by volume, of one or more of those solvents listed in F001, F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F005, The following spent non-halogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures/blends containing, before use, a total of 10 percent or more, by volume, of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

If the waste is determined to be a listed hazardous waste, no further waste determination is necessary. If the waste is not a listed hazardous waste, Charron's must determine if it is a characteristic hazardous waste. For a detailed description of the hazardous waste determination procedure, please refer to the flow chart, in the enclosed DES Environmental Fact Sheet #WMD-HW-11 "Identification of Hazardous Waste".

If the hazardous waste determination cannot be made utilizing knowledge of the constituents and characteristics of the waste, DES requests that Charron's test a representative sample of the Gun Washer Solvent. Laboratory analysis should include, at a minimum, TCLP for RCRA metals and organics as defined by Env-Wm 403.06, and ignitability as defined by Env-Wm 403.03.

In the event wastes are determined to be hazardous, Charron's must manage the wastes in accordance with the State of New Hampshire Hazardous Waste Rules. This includes proper storage of marked, closed, containers on impervious surfaces, assigning appropriate hazardous waste number(s) to the waste, as well as delivery of waste for disposal to a facility authorized

to handle the hazardous waste. Alternatively, if the wastes are determined to be non-hazardous, Charron's may dispose of them as a solid waste.

Charron's will need to provide the results of the hazardous waste determinations to DES, along with any other supporting data, such as MSDSs and/or chemical analyses.

## 2 Env-Wm 504.01 - Generator Notification Requirements

At the time of the inspection, DES confirmed that Charron's had been operating and generating hazardous waste since January 2002. DES inspectors also confirmed that a hazardous waste notification form had not been filed with the DES Reporting and Information Management Section (RIMS).

Env-Wm 504.01(a) requires that a generator shall notify DES prior to conducting any hazardous waste activities covered under the Hazardous Waste Rules.

DES requests that Charron's complete and submit the enclosed Hazardous Waste Activity Notification Form to DES, as specified in Env-Wm 504.01. For your convenience, instructions on completing the form have also been enclosed. If you have any questions regarding the form, please call the RIMS at 271-2901 or 271-2921.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Charron's can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Charron's, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows

Kenneth W. Marschner, Administrator  
DES/WMD  
6 Hazen Drive  
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

Inspection Checklist  
 DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements.  
 DES "Fluorescent Lamp and Ballast Recycling Facility" list  
 DES Environmental Fact Sheet #WMD-HW-11 "Identification of Hazardous Waste"  
 Instructions for Preparing the NH Hazardous Waste Activity Notification Form  
 Hazardous Waste Activity Notification Form